

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:06CR00404 ERW
)	(TCM)
NATHAN WALKER,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court upon the Report and Recommendation of United States Magistrate David D. Noce [doc. #17] pursuant to 28 U.S.C. § 636(b). On September 28, 2006, Defendant filed an Objection to the Report and Recommendation [doc. #18]. The Report and Recommendation recommends that Defendant's Motion to Suppress Evidence [doc. #15] and Motion to Suppress Statements [doc. #15] be denied.

"[W]hen a party objects to the report and recommendation of a magistrate judge concerning a dispositive matter, '[a] judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'" *United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003) (quoting 28 U.S.C. § 636(b)(1)). In this case, Defendant has presented only a generalized objection to the Report and Recommendation and requests a de novo review.¹ He has not specified any portion of the report or proposed findings

¹Defendant's Objection states as follows:

Defendant objects to the Memorandum, Report and Recommendation of the United States Magistrate recommending that the motion of Defendant to suppress the evidence and statement be denied. Factual conclusions of the magistrate based on the testimony of the government's witness was simply not credible and should not be credited by the

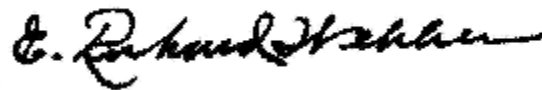
which he believes are in error. In any event, the Magistrate did not err in denying Defendant's Motions. First, the Motion to Suppress Evidence will be denied because: (1) Defendant was lawfully arrested on August 08, 2006, based on probable cause (2) Defendant's person and jacket were lawfully searched, pursuant to his arrest, on August 08, 2006, and all objects were lawfully seized. Second, the Motion to Suppress Statements will be denied because Defendant was fully informed of his rights at all times, was not forced, was not coerced, and was not threatened. Further, no promises were made to him.

The Court has considered the Report and Recommendation and hereby sustains, adopts, and incorporates herein the Magistrate's Report and Recommendation in its entirety.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Suppress Evidence [doc. #15] and Motion to Suppress Statements [doc. #15] are **DENIED**.

Dated this 3rd day of October, 2006.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE

Court. Legal conclusions which are based on these factual findings are likewise in error, as there is no factual basis for them.